IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 61 of 2007()

AGAINST THE ORDER DATED 08/11/2006 IN ORDER IN CMP.11731/2006 of J.M.F.C.-I,KOTTARAKKARA
CR 204/06 OF KOTTARAKKARA EXCHANGE RANGE

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: PETITIONER/ACCUSED

SUBEESH, S/O.SURENDRAN,
SUBEESH BHAVANATHIL, KILOOR MURI,
NEDUVATHOOR VILLAGE, KOTTARAKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, KOTTARAKARA EXCISE
RANGE, KOLLAM DISTRICT THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 61 of 2007

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Dated this the 9th day of January, 2007.

ORDER

Petitioner, who is the accused in CR No.204 of 2006 of Kottarakara Excise Range for offences punishable under Section 8(1) and (2) of Abkari Act for allegedly having been found in possession of two litres of illicit arrack on 4.11.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. In as much as no final report has been filed even after 60 days of detention of the petitioner, he is entitled to bail as of right by virtue of the proviso to Section 167(2) Cr.P.C.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.- I, Kottarakara and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the

prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. Petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.Ramkumar,
Judge.

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